

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1975-01
Bill No.: HB 862
Subject: Courts; Judges
Type: Original
Date: March 12, 2001

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
General Revenue	(\$235,560 to \$406,560)	(\$410,804 to \$581,804)	(\$438,338 to \$609,338)
Total Estimated Net Effect on <u>All</u> State Funds	(\$235,560 to \$406,560)	(\$410,804 to \$581,804)	(\$438,338 to \$609,338)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials of the **Office of State Courts Administrator** (OSCA) assume the proposed legislation would increase statutory fees paid to court reporters for preparation of transcripts, and increase the court costs paid by litigants for court reporter services. The per page rate for original civil transcripts would increase from \$1.50 to \$3.25, or a \$1.75 increase (116.7%); and, the rate for a page of copy would increase from \$0.35 to \$0.75, or an increase of \$0.40 per page (114.3%). Indigent criminal transcripts would increase even more because the current copy rate is \$0.20, so the increase would be \$0.55 or 275%.

These costs are paid by the State Public Defender. In a typical civil appeal, an original and three copies are prepared (one for each party, one for the trial court file and one for the appellate court file) and, in some cases, more copies are required. Thus, in a typical case, the costs would increase from \$2.65 per page to \$5.50, or a \$2.85 increase (107.6%).

While most transcript costs are paid by private litigants, there are some costs borne by the judiciary, State Public Defender and state agencies who are parties to appeals. The current budget for court reporter fees paid by the judiciary is \$226,000. Under this proposal, those costs would more than double. The increase would be approximately \$243,000 to \$264,000, depending on the mix of original pages and copies. Public Defender and the Attorney General may be able to estimate other state costs.

The statutory court cost charged litigants in cases where the record is preserved using a court reporter would increase by \$10, from \$15 to \$25. This is income to general revenue. Some of these costs will be borne by the state through the criminal costs bills paid by the Office of Administration. There were about 84,500 cases in FY 2000 to which the costs could apply. If fully collected, these costs would generate upwards of \$845,000 in new revenue. Indigent cases, acquittals, dismissals, etc. will reduce receipts considerably, but it would be safe to say the revenue would increase anywhere from \$600,000 to \$750,000.

Officials of the **Department of Transportation** assume they are unable to estimate the fiscal impact of the increase in transcript costs. **Oversight** assumes the increase in court fees paid by the Department of Transportation would be minimal.

Officials of the **Department of Revenue** and **Office of Administration** assume no fiscal impact to their organization.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services** (OPS) assume this proposal would have a negative fiscal impact on local governments but are unable to estimate the amount. OPS contacted the **Cole County Prosecutor** who informed OPS they expected no fiscal impact from the proposal since they said it was unusual for a prosecutor to order a transcript. **Oversight** assumes the fiscal impact of this proposal to local governments would be minimal.

Officials from the **Office of State Public Defender** assume the increase in transcript costs would be 116.7% for each original page and 275% for each page copied. They have estimated the mix of original and copy pages and computed an average increase of 195.84%. When applied to their current fiscal year expenditures for transcripts, they estimate the increased fees will cost their agency \$891,072.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
GENERAL REVENUE FUND			
<u>Revenue</u> - Courts			
Increased court fees	\$600,000 to \$750,000	\$600,000 to \$750,000	\$600,000 to \$750,000
<u>Cost</u> - Courts			
Increased transcript costs	(\$243,000) to (\$264,000)	(\$243,000) to (\$264,000)	(\$243,000) to (\$264,000)
<u>Cost</u> - State Public Defender			
Increased transcript costs	<u>(\$742,560)</u>	<u>(\$917,804)</u>	<u>(\$945,338)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$235,560 to \$406,560)</u>	<u>(\$410,804 to \$581,804)</u>	<u>(\$438,338 to \$609,338)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

This legislation would increase court transcript fees from one dollar and fifty cents to three dollars and twenty-five cents per page for the original of the transcript, and from thirty-five cents to seventy-five cents per page for copies.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of State Public Defender
Office of Prosecution Services
Department of Revenue
Department of Transportation
Office of Administration

NOT RESPONDING

Office of Attorney General

A handwritten signature in black ink, appearing to read "Jeanne Jarrett".

Jeanne Jarrett, CPA
Director
March 12, 2001